



DATE: July 13, 2000

STATE MINING & GEOLOGY BOARD

JOINT COMMITTEE REPORT

SUBJECT: Consent Item 4- Adoption of Resolution 2000-07 Certifying Lake County's Surface Mining Ordinance

COMMITTEE RECOMMENDS: The Joint Committee recommends the SMGB adopt the Resolution and certify the ordinance as being in accordance with the Surface Mining and Reclamation Act and the Board's regulations.

SMARA § 2774.3 requires the SMGB to review a lead agency's surface mining and reclamation ordinance, and to certify the ordinance if it meets or exceeds the requirements of the Surface Mining and Reclamation Act of 1975 (SMARA, PRC § 2710 et seq.).

PRC § 2774.3 -- "The board shall review lead agency ordinances which establish permit and reclamation procedures to determine whether each ordinance is in accordance with state policy, and shall certify the ordinance as being in accordance with state policy if it adequately meets, or imposes requirements more stringent than, the California surface mining and reclamation policies and procedures established by the board pursuant to this chapter."

When draft ordinances are received for review, they are examined for: **Content**, **Clarity**, and **Conflict**. The review is conducted by the Executive Officer, and may employ one or more administrative and/or technical analysts from the Office of Mine Reclamation, and the SMGB's legal counsel.

Content: The ordinance is examined to determine if all the areas in SMARA that are required to be addressed in the ordinance are contained within the ordinance.

Clarity: The contents of the ordinance are examined to determine if they are clearly stated, or might be construed in more than one way, which might lead to later confusion.

Conflict: The contents are examined to determine that they are not in conflict with statute, nor are they internally in conflict with other portions of the ordinance.

COMMITTEE REPORT

The Staff Review offers two types of review comments: **Recommendations** and **Suggestions**. These comments are not binding, and are offered as a constructive service.

Recommendations are comments that should be followed if the ordinance is to be certified by the SMGB. These recommendations relate to serious omissions in content or statements in conflict with SMARA or the SMGB's Regulations.

Suggestions are comments that are made to improve the clarity of statements, usually by making them more complete or by offering references.

JOINT COMMITTEE'S RECOMMENDATION: The Joint Committee reviewed this ordinance at its regularly scheduled business meeting on June 15, 2000 and recommends the SMGB adopt Resolution 2000-07 certifying Lake County's Surface Mining Ordinance as being in accordance with SMARA and the Board's regulations.